

**ASSEMBLY BILL**

**No. 39**

**Introduced by Assembly Member Hertzberg**  
(Coauthor: Senator Speier)

December 7, 1998

An act to add Section 1367.25 to the Health and Safety Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 39, as introduced, Hertzberg. Health care coverage: contraceptive drugs.

(1) Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, a willful violation of any of these provisions is punishable as either a felony or a misdemeanor.

Existing law requires that health care service plans provide coverage for certain benefits and services.

This bill would require certain group health care service plan contracts issued, amended, renewed, or delivered on or after January 1, 2000, and certain individual health care service plan contracts of a type and form first offered for sale on and after January 1, 2000, to provide coverage, under terms and conditions applicable to other benefits, for a variety of federal Food and Drug Administration approved prescription contraceptive methods.

By changing the definition of the crime applicable to health care service plans, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited  
2 as the Women's Contraception Equity Act.

3 SEC. 2. Section 1367.25 is added to the Health and  
4 Safety Code, to read:

5 1367.25. (a) Every group health care service plan  
6 contract, except for a specialized health care service plan  
7 contract, that is issued, amended, renewed, or delivered  
8 on or after January 1, 2000, and every individual health  
9 care service plan contract of a type and form first offered  
10 for sale on or after January 1, 2000, except for a specialized  
11 health care service plan contract, shall provide coverage  
12 for the following, under general terms and conditions  
13 applicable to all benefits:

14 (1) A health care service plan contract that provides  
15 coverage for outpatient prescription drug benefits shall  
16 include coverage for a variety of federal Food and Drug  
17 Administration approved prescription contraceptive  
18 methods, designated by the plan. In the event the  
19 patient's provider, acting within his or her scope of  
20 practice, determines that none of the methods  
21 designated by the plan is medically appropriate for the  
22 patient, the plan shall also provide coverage for another  
23 medically approved prescription contraceptive method  
24 prescribed by the patient's provider.

25 (2) Outpatient prescription benefits for an enrollee  
26 shall be the same for an enrollee's covered spouse and  
27 covered nonspouse dependents.



1 (b) Nothing in this section shall be construed to deny  
2 or restrict in any way any existing right or benefit  
3 provided under law or by contract.

4 (c) Nothing in this section shall be construed to  
5 require an individual or group health care service plan to  
6 cover experimental or investigational treatments.

7 SEC. 3. No reimbursement is required by this act  
8 pursuant to Section 6 of Article XIII B of the California  
9 Constitution because the only costs that may be incurred  
10 by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition  
15 of a crime within the meaning of Section 6 of Article  
16 XIII B of the California Constitution.

17 Notwithstanding Section 17580 of the Government  
18 Code, unless otherwise specified, the provisions of this act  
19 shall become operative on the same date that the act  
20 takes effect pursuant to the California Constitution.

